

# BAKER & MILLER PLLC

ATTORNEYS and COUNSELLORS

2401 PENNSYLVANIA AVENUE, NW  
SUITE 300  
WASHINGTON, DC 20037

TELEPHONE: (202) 663-7820  
FACSIMILE: (202) 663-7849

William A. Mullins  
E-Mail: [wmullins@bakerandmiller.com](mailto:wmullins@bakerandmiller.com)

Direct Dial: (202) 663-7823

October 25, 2005

## **BY ELECTRONIC FILING**

The Honorable Vernon A. Williams  
Secretary  
Surface Transportation Board  
1925 K Street, N.W.  
Washington, DC 20423-0001

Re: STB Docket No. AB-490 (Sub-No. 1X)  
Greenville County Economic Development Corporation - Petition For  
Exemption For Partial Discontinuance And Partial Abandonment - In  
Greenville County, SC

Dear Secretary Williams:

The Surface Transportation Board's ("Board's") decision served October 12, 2005 in the above-captioned matter required submission of offers of financial assistance ("OFA's") by October 24, 2005. Western Carolina Railway Service Corporation ("WCRS") filed an offer to purchase one of the two involved lines on October 3. However, Board regulations require an offeror that submits its offer before the Board grants an abandonment petition for exemption to notify the Board of the offer *after* the Board's decision is served. 49 C.F.R. §1152.27(c)(1)(A and B)(2004). In this case, WCRS has not served such a notice of the offer on the Board subsequent to the Board's October 12 decision. Accordingly, petitioner Greenville County Economic Development Corporation ("GCEDC") respectfully submits that no OFA has been properly submitted in this case.

If the Board treats WCRS's October 3 offer as a properly-filed OFA, GCEDC requests clarification of the subsequent deadlines for handling that OFA. Those deadlines are unclear. The Board's October 12 decision required offers to be submitted by October 24. WCRS filed its offer on October 3, but without two crucial exhibits. WCRS filed those exhibits with the Board on October 17. On October 24, WCRS certified to the Board that it had served one of the two exhibits on all parties of record. It thus unclear to GCEDC as to whether or not the subsequent filings complied with 49 C.F.R. §1152.27(c)(1)(A and B)(2004), although GCEDC submits they did not. If the Board treats the subsequent filings as meeting its regulations, GCEDC needs clarification as to the appropriate deadlines for the subsequent processing of the OFA request.

**BAKER & MILLER PLLC**

October 25, 2005

Page 2

Copies of this submission are being served today by first class mail on all parties of record listed on the Board's website. A copy hereof is also being served on WCRS's president by electronic mail. If there are any questions concerning this submission, please contact me directly by telephone at (202) 663-7823, or by mail and by e-mail at the addresses shown above.

Sincerely,

A handwritten signature in black ink, appearing to read "William A. Mullins", with a long horizontal flourish extending to the right.

William A. Mullins

cc: Chairman, GCEDC  
Andrew J. White, Jr., Esq.  
Peter M. Strub  
Steven C. Hawkins (by e-mail)  
All Parties of Record